

## INTRODUCTION

All prior claims have been cancelled and new claims 20-23 have been added.

The present claims define a method of treating acne caused by the bacterium *Propionibacterium acnes*, by topically applying to the skin of a patient needing treatment for such acne, a composition comprising grape seed extract and green tea extract as the active ingredients in an amount sufficient to inhibit the growth of the bacterium *Propionibacterium acnes*. The patent application claims also define a topical composition for the treatment of acne caused by the bacterium *Propionibacterium acnes* comprising these two active ingredients.

## THE PRIOR ART REJECTIONS

### A. The Anticipation Rejections

The rejection of prior composition claims 1 and 4 under 35 U.S.C. § 102(b) as unpatentable over Cals-Grieson (WO 01/82887 A1 - translation in US 2003/0165589 A1) is now moot as those claims have been cancelled and that reference does not disclose the subject matter of the newly added claims, i.e., the use of grape seed extract and green tea extract for treating acne caused by *Propionibacterium acnes*. That reference does disclose grape seed extract and green tea extract but not for the purpose claimed herein. Applicant refers the Examiner to the response to the February 28, 2005 Office Action wherein acne (the subject of the present case) and acne rosacea (the subject of the prior art reference) were distinguished (see pages 6-9).

The rejection of prior claims 1, 8, 12, 15 and 19 under 35 U.S.C. § 102(a) as unpatentable over Cui et al. (KR 2003073441A - Abstract only) is now moot as those claims have been cancelled and that reference does not disclose the subject matter of the newly added claims, i.e., the use of grape seed extract and green tea extract for treating acne caused by *Propionibacterium acnes*.

The rejection of prior claims 1, 4, 8 and 10 under 35 U.S.C. § 102(b) as unpatentable over Murad (US 5,962,517) is now moot as those claims have been cancelled and that reference does not disclose the subject matter of the newly added claims, i.e., the use of grape seed extract and green tea extract for treating acne caused by *Propionibacterium acnes*.

B. The Obviousness Rejections

The rejection of prior claims 1, 8, 12, 15 and 19 under 35 U.S.C. § 103(a) as unpatentable over Cui et al. (KR 2003073441A - Abstract only) is now moot as those claims have been cancelled and that reference does not teach, disclose or suggest the subject matter of the newly added claims, i.e., the use of grape seed extract and green tea extract for treating acne caused by *Propionibacterium acnes*.

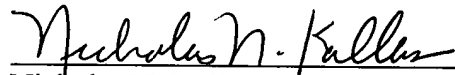
The rejection of prior claims 1, 4, 8 and 10 under 35 U.S.C. § 103(a) as unpatentable over Murad (US 5,962,517) is now moot as those claims have been cancelled and that reference does not teach, disclose or suggest the subject matter of the newly added claims, i.e., the use of grape seed extract and green tea extract for treating acne caused by *Propionibacterium acnes*.

CONCLUSION

Accordingly, based on newly added claims 20-23, it is respectfully submitted that the case be allowed to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Nicholas N. Kallas", is written over a horizontal line.

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